

ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420

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REMARKS

JUL 07 2006

Claims 1, 17, 18-23, 27, 32, and 42 of the present application, U.S. Patent Application No. 09/776,420 (hereinafter "Application") stand rejected in the Office Action as not claiming statutory subject matter under 35 U.S.C. § 101. Claims 1-5, 17, and 27-29 are rejected as anticipated under 35 U.S.C. § 102(e) by U.S.P.N. 6,327,576 to Ogasawara ("Ogasawara"). Claims 18-23 and 30-42 are rejected under 35 U.S.C. § 103(a) as obvious over a combination of Ogasawara and Officially Noticed facts. In view of the Remarks and amendments, the Applicant respectfully traverses the rejections and requests allowance of the pending claims.

Rejections Under 35 U.S.C. § 101

The Office Action rejects the independent claims of claims 1, 17, 27, and 32 as not directed to statutory subject matter. Specifically, the independent claims are rejected as containing "nonfunctional descriptive material" because the "detailed information" element of the independent claims includes "sale price, sale tax, total transaction amount."

The Applicant respectfully asserts that "sale price, sale tax, total transaction amount", which are used to define the contents of an electronic receipt, are not nonfunctional descriptive material as asserted in the Office Action. According to the Manual of Patent Examination and Procedure ("M.P.E.P") section 2106, nonfunctional descriptive material is "music, literature, art, photographs and mere arrangements or compilations of facts or data." The sale price, sale tax, and total transaction amount as recited in claim 1 are not mere arrangements or compilations of data, but rather types of information taken from a sales transaction and used to define the contents of an electronic receipt, which is thereafter manipulated according to the steps of claim 1. The detailed information recited in claim 1 exhibits a functional relationship with the process recited in claim 1 because the detailed information is clearly the subject of several process steps, wherein the detailed information is used to generate the electronic receipt, is transmitted to a computing device, and is stored in a database. Thus, claim 1 is drawn to statutory subject matter for at least the reason that claim 1 does not include nonfunctional descriptive material as asserted in the Office Action.

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

The Applicant also respectfully asserts that claim 1 is drawn to statutory subject matter for at least the reason that claim 1 falls within the pre-computer activity safe harbor. According to M.P.E.P. § 2106, a process that recites the measurements of physical objects or activities to be transformed outside of a computer into computer data is statutory. In re Gelnovatch, 595 F.2d 32, 41 n.7, 201 USPQ 136, 145 n.7 (CCPA 1979).

In the present case, claim 1 recites a step for conducting a sales transaction between a buyer and a seller, with the sales transaction clearly being a type of physical object or activity. Claim 1 then recites numerous steps where data from the sales transaction, or "detailed information" including "sale price, sale tax, total transaction amount", is transformed into computer data, including the generating, transmitting, and storing steps recited in claim 1. Thus, the Applicant respectfully asserts that claim 1 is drawn to statutory subject matter for at least the reason that claim 1 falls within the pre-computer activity safe harbor defined in M.P.E.P. § 2106.

Claim 17 is drawn to statutory subject matter for at least one or more of the reasons given for claim 1. Claim 17 is also drawn to statutory subject matter for at least the reason that it has been amended to claim a computer program product encoded to perform steps for collecting electronic receipts. Claims 18-23, 27, 32, and 42 are drawn to statutory subject matter for at least one or more of the reasons given for claim 1. Thus, the Applicant respectfully requests that the 101 rejection be withdrawn for claims 1, 17, 18-23, 27, 32, and 42.

Rejections under 35 U.S.C. § 102(e)

A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. W.L. Gore & Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983). For anticipation, there must be no difference between the claimed invention and the reference disclosure as viewed by a person of ordinary skill in the field of the invention. Scripps Clinic & Res. Found. v. Genentech, Inc., 927 F.2d 1565 (Fed. Cir. 1991). Accordingly, the single prior art reference must properly disclose, teach, or suggest each element of the claimed invention.

ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420

Independent Claim 1

To support a rejection of claim 1 as anticipated by Ogasawara, the Office Action states that Ogasawara discloses "performing steps a, b, and c for a plurality of transactions, each of the plurality of transactions occurring between a unique buyer and seller combination (see col. 4, ll. 26-39), as in claims 1, 17 & 27."

The cited language from Ogasawara discloses:

Hosting the electronic receipt in a file or memory storage area 22 of a retail facility's web server 20 allows the customer the freedom of being able to shop in multiple stores without the necessity of carrying multiple types of IC card, one card for each different store. As electronic receipts are loaded into the file or memory storage area 22 of each store's web server 20, the electronic receipts are available for a customer to access and download, once the customer reaches home and accesses each store's server 20 through the customer's Internet connection 20. By signing on to the Internet, and visiting each store's web site in sequence, the customer is able to download each electronic receipt maintained by each of the stores that customer has visited during the latest shopping trip. (Emphasis added).

As seen above, the cited language from Ogasawara discloses a customer visiting a plurality of retailers, with each retailer storing an electronic receipt for a purchase made by the customer at that retailer. Ogasawara then discloses the customer visiting the web site of each retailer, in sequence, to download the electronic receipt maintained by each retailer for the customer. Thus, each retailer in Ogasawara only stores electronic receipts generated from their own transactions. Further, the customer in Ogasawara must individually visit the website of each retailer in order to access his or her stored electronic receipts for that retailer.

Claim 1, prior to the current amendment, included a step (d) for performing the conducting, generating, and transmitting steps for a plurality of transactions, each of the plurality of transactions occurring between a unique buyer and seller combination. The purpose of step (d) is to recite the many-to-many relationship between buyers and sellers in claim 1. In other words, claim 1 is drawn to a method for generating and storing electronic receipts for transactions between numerous buyers transacting with numerous sellers. As an example, electronic receipts can be generated for numerous buyers buying from one seller, one buyer

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

buying from many sellers, and any combination thereof. Such a method for electronic receipt generation has several advantages, such as enabling a single entity to generate and/or store electronic receipts for numerous sellers and buyers as well as enabling one buyer to view his electronic receipts generated from transactions with numerous different sellers. For instance, the method of claim 1 enables one buyer to access all of his electronic receipts reflecting transactions with BEST BUY, WAL-MART, and SEARS.

To advance examination of the Application, the Applicant has amended step (d) of claim 1 to more clearly recite the many-to-many relationship between buyers and sellers described by the "the plurality of transactions occurring between a unique buyer and seller combination" language. Step (d) of claim 1 now recites:

performing steps a, b and c, for a plurality of transactions such that at least one buyer conducts a sales transaction with each of a plurality of sellers and at least one seller conducts a sales transaction with each of a plurality of buyers; and

Support for the amendment can be found, for example, in the Application on page 5, line 20 to page 6, line 3; Figures 2, 3, 11, 14; page 10, lines 17-19; page 11, line 23 to page 12, line 13; and claim 1 prior to the present amendment. In view of the clarifying amendment and the discussion of Ogasawara, above, the Applicant respectfully asserts that claim 1 is allowable for at least the reason that Ogasawara does not disclose performing steps (a), (b), and (c) of step 1 for a plurality of transactions such that at least one buyer conducts a sales transaction with each of a plurality of sellers and at least one seller conducts a sales transaction with each of a plurality of buyers, as recited in step (d) of claim 1.

To support a rejection of claim 1 as anticipated by Ogasawara, the Office Action states that Ogasawara discloses "storing in a centralized database a record of each sales receipt (and/or sales receipt object) generated for each transaction of the plurality of transactions (see col. 4, ll. 26-39), as in claims 1, 17, & 27"

As discussed above, Ogasawara does not disclose performing a plurality of transactions such that at least one buyer conducts a sales transaction with each of a plurality of sellers and at least one seller conducts a sales transaction with each of a plurality of buyers, as recited in step (d) of claim 1. Since Ogasawara does not disclose performing a plurality of transactions as

ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420

recited in step (d), Ogasawara also does not disclose a step for storing electronic receipts generated according to step (d) in a centralized database as recited in step (e). Accordingly, claim 1 is allowable for at least the reason that Ogasawara does not disclose step (e) of claim 1.

Dependent Claim 2

Claim 2 recites steps for generating aggregate information in response to stored receipts, and providing the aggregate information to one of the sellers. The Office Action asserts that Ogasawara at column 3, lines 54-67 discloses the aggregating and providing steps of claim 2. The cited language from Ogasawara discloses:

In a manner to be described in greater detail below, the server system fetches the requisite information relating to each item scanned for purchase, and redirects that information to the POS terminal 10 where it is appended to an electronic transaction log file, termed herein an electronic receipt 18. It should be noted that the electronic receipt 18 is generated in addition to a conventional paper receipt of the form normally provided to a customer at time of check out. The electronic receipt 18 might be the primary and only receipt generated with regard to that particular transaction, i.e., the paper receipt might be provided optionally or not at all, at the option of a retail facility. Since the electronic receipt 18 is in electronic file form, the receipt might be given to the customer directly as the customer completes his . . . (Emphasis added).

The Applicant asserts that a reference to a "transaction log file" does not disclose, and is not relevant to, a step for generating aggregate information in response to stored receipts. The Applicant respectfully asserts that there is a fundamental difference between generating an electronic receipt and generating aggregate information in response stored receipts. The cited language from Ogasawara does not disclose the generation anything from the "log file." Accordingly, claim 2 is allowable for at least the reason that Ogasawara does not disclose generating aggregate information in response to stored receipts as recited in claim 2. Claim 2 is also allowable for at least the reason that it depends from an allowable independent claim.

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420****Dependent Claims 3 and 4**

Claims 3 and 4 are allowable for at least the reason that each depends from an allowable claim.

Dependent Claim 5

To support a rejection of claim 5 the Office Action asserts that Ogasawara discloses "one of the buyers downloading information in the found records to financial software as indications of purchases (see col. 4, ll. 26-39), *as in claim 5*"

The cited language from Ogasawara discloses:

Hosting the electronic receipt in a file or memory storage area 22 of a retail facility's web server 20 allows the customer the freedom of being able to shop in multiple stores without the necessity of carrying multiple types of IC card, one card for each different store. As electronic receipts are loaded into the file or memory storage area 22 of each store's web server 20, the electronic receipts are available for a customer to access and download, once the customer reaches home and accesses each store's server 20 through the customer's Internet connection 20. By signing on to the Internet, and visiting each store's web site in sequence, the customer is able to download each electronic receipt maintained by each of the stores that customer has visited during the latest shopping trip. (Emphasis added).

The above-cited language discloses a customer downloading the "electronic receipt" of Ogasawara. The Applicant respectfully asserts that the above-cited language from Ogasawara does not disclose, either directly or impliedly, downloading information in the found records to financial software as indications of purchases as recited in claim 5. Thus, the Applicant asserts that claim 5 is allowable for at least this reason, and respectfully request clarification of the Examiner's citation and reasoning if the Examiner intends to maintain this rejection. Claim 5 is also allowable for at least the reason that it depends from an allowable claim.

Independent Claim 17

Claim 17 recites steps similar to those of claim 1, and so claim 17 is allowable for at least the reasons given for the allowability of claim 1. Claim 17 is also allowable for at least the

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

reason that Ogasawara does not disclose storing electronic receipts in a centralized database, wherein the centralized database belongs to a third party, as recited in step (d) of claim 17.

To support a rejection of claim 17, the Office Action states that Ogasawara discloses "organizing the record based on a buyer preference (see col. 9, ll. 55+), *as in claim 17.*" The cited language from Ogasawara discloses:

The purchaser is able to transfer the contents of the electronic receipt to the home terminal in any one of a number of ways. The home terminal has the provision for being connected to an optional Smart Card reader/writer 64 with which to access the electronic receipt information recorded on a Smart Card or IC card by the store where the purchaser bought the product items. Alternatively, a communication interface 66, such as a modem, cable modem or other similar communication interface device, enables a home terminal to contact an off-site location, such as a store web site, where it is able to access and download an electronic receipt. It should be noted that in the case where the electronic receipt is stored on a web server, the web

The above-cited language from Ogasawara discloses transferring an electronic receipt to a home terminal via a Smart Card or through a communications interface such as a modem. The Applicant respectfully asserts that the cited language from Ogasawara does not disclose, and is not relevant to, the step of organizing a record based on a buyer preference as recited in step (f) of claim 17. Accordingly, the Applicant asserts that claim 17 is allowable for at least the reason that Ogasawara does not disclose step (f) of claim 17. If the Examiner continues to assert that that Ogasawara discloses step (f) of claim 17, the Applicant respectfully requests clarification of the Examiner's citation and reasoning.

The electronic receipt recited in the independent claims of the Application is interactive, with the electronic receipt providing hyperlinks to provide enhanced functionality. For example, in one embodiment the electronic receipt includes a link to a commercially related product, such as an "accessory." Application at page 6, lines 15-25. Links can also be provided for product return procedures, warranty information, product manual information, rebate information, and recall information. Application at Fig. 7B, 9, 10, 12, and 13. Claim 17 provides interactivity by providing a link to supplemental information for at least one item purchased, enabling a user to access the supplemental information from within the electronic receipt.

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

To support a rejection of claim 17, the Office Action states that Ogasawara discloses:

generating an electronic sales receipt (and/or sales receipt object) including detailed information describing the items purchased and a link to supplemental information for at least one item purchased, wherein detailed information includes sale price, sale tax, total transaction amount and information indicating completion of the transaction (see col. 3, ll. 54 to col. 4, ll. 5; and col. 4, ll. 50-56), as in claims 1, 17, and 27. (Emphasis added).

The cited language from Ogasawara discloses:

In a manner to be described in greater detail below, the server system fetches the requisite information relating to each item scanned for purchase, and redirects that information to the POS terminal 10 where it is appended to an electronic transaction log file, termed herein an electronic receipt 18. It should be noted that the electronic receipt 18 is generated in addition to a conventional paper receipt of the form normally provided to a customer at time of check out. The electronic receipt 18 might be the primary and only receipt generated with regard to that particular transaction, i.e., the paper receipt might be provided optionally or not at all, at the option of a retail facility. Since the electronic receipt 18 is in electronic file form, the receipt might be given to the customer directly as the customer completes his transaction of the POS terminal 10, or alternatively, the electronic receipt 18 might be electronically transferred to a web server 20 belonging to the retail facility, where it is maintained in an electronic file storage area 22 for eventual retrieval by the consumer. Ogasawara at Col. 3, line 54 to Col. 4, line 5.

In the home environment, electronic receipt retrieval and processing for expiration date management is preferably performed by a purpose built electronic home terminal unit 24 which is located in proximity to a refrigerator, if the items being expiration date managed are grocery items, for example. Although located in proximity to a refrigerator 26 or even mounted on the refrigerator unit or in a door thereof, the home terminal 24 includes appropriate communication interface hardware and software to enable it to receive electronic receipt information, either from a consumer, by reading the information contained on the consumer's IC card, or by contacting a store's web server 20 and accessing the file or memory storage area 22 for the appropriate electronic receipt. Ogasawara at Col. 4, lines 40-58.

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

The Applicant respectfully asserts that the cited language from Ogasawara does not disclose, and is not relevant to, an electronic receipt having a link to supplemental information for at least one item purchased as recited in step (b) of claim 17. Accordingly, the Applicant asserts that claim 17 is allowable for at least the reason that Ogasawara does not disclose step (b) of claim 17. If the Examiner continues to assert that that Ogasawara discloses a link to supplemental information as recited in step (b) of claim 17, the Applicant respectfully requests clarification of the Examiner's citation and reasoning.

Independent Claim 27

As discussed on page 12 of the Office Action Response mailed September 21, 2005 ("Prior Response"), claim 27 is similar to claim 1 but recites electronic receipt objects instead of database records. The advantage of an object as opposed to a record is that an object conveniently packages data along with functions or methods for accessing and manipulating that data, known as "object oriented programming" or simply "objects" to those of skill in the art.

Ogasawara discloses a perishable food management system for monitoring the expiration date of perishable food items and discloses an electronic receipt which stores the expiration date of a food item. The "electronic receipt" disclosed in Ogasawara is a simple text record or "transaction log file." Ogasawara at Figs. 3, 6, 7; Col. 3, line 58. As understood by one of skill in the art, a "log file" is a simple text record, such as a tab delineated ASCII text file, which is used to store data. A text record or "log file" makes sense in the context of Ogasawara's perishable food management system because the goal of Ogasawara is to display food freshness information so that a food item can either be consumed or discarded. In contrast, claim 27 recites a receipt object providing one or more functions for manipulating the detailed information. The Applicant searched the cited language as well as the entirety of Ogasawara, and found no reference to receipt objects or their equivalent as understood by one of skill in the art.

Thus, the Applicant asserts that claim 27 is allowable for at least the reason that Ogasawara does not disclose a receipt object providing functions as recited in step (b) of claim 27. If the Examiner continues to assert that that Ogasawara discloses a receipt object as recited

ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420

in claim 27, the Applicant respectfully requests clarification of the Examiner's citation and reasoning. Claim 27 is also allowable for at least one or more of the reasons given for the allowability of claims 17 and 1.

Dependent Claims 28 and 29

Claim 28 is allowable for at least the reasons given for the allowability of claim 2, and claim 28 is also allowable for at least the reason that it depends from an allowable claim. Claim 29 is allowable for at least the reason that it depends from an allowable claim.

Rejections Under 35 U.S.C. §103(a)

Claims 18-23 and 30-42 are rejected as obvious over Ogasawara. For a claim to be properly rejected under 35 U.S.C. § 103, "[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness." In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (Citations omitted). In order to maintain a prima facie case of obviousness under 35 U.S.C. 103(a), three criteria must be met. Specifically, the Patent Examiner must show: (1) some suggestion or motivation in the prior art to combine reference teachings; (2) a reasonable expectation of success; and (3) the combination of references must teach or suggest all claim limitations. In re Dow Chemical Company, 837 F.2d 469 (Fed. Cir. 1988), and In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991). To reject claims as obvious under 35 U.S.C. § 103(a), the burden rests on the Examiner to establish all elements of the prima facie case. Unless the Examiner satisfies his burden of proving the prima facie case, claims may not be properly rejected as obvious.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); M.P.E.P. § 2143.01. Rather, there must be some suggestion, outside the Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both in the prior art, and not based on the Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosure and the Officially Notice facts, nor any reasonable expectation of success has been shown.

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that a claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference suggests to one of ordinary skill in the art.

To support a rejection of claims 18-23 and 42, the Office Action states:

—Warranties, rebate, recall, accessory information, etc are notoriously known and widely used information that buyers seek to acquire from sellers when purchasing certain merchandise (e.g. a car, blender, lawn mower, TV etc.). Thus Official Notice is taken of the warranty information, a manual, rebate information, recall information, accessory information as being obvious extension to the teaching of Ogasawara being an obvious expedient well within the ordinary skill in the art. (Emphasis added).

The Applicant respectfully asserts that the current 103 rejection is the result of improper hindsight reconstruction. Specifically, the rejected claims have been used as templates in an attempt to combine the disclosure of Ogasawara with Officially Noticed facts to conveniently arrive at the inventions recited in claims 18-23.

As discussed in the Remarks, Ogasawara discloses a perishable food management system which notifies a consumer when a food item is expired. Claim 17, from which claims 18-23 depend, recites collecting electronic receipts for purchases, and includes a step for generating an electronic receipt having a link to supplemental information for at least one item purchased. The links to supplemental information allow the electronic receipt of claim 17 to be interactive, enabling a user to retrieve information such as warranty and recall information for an item. The Applicant respectfully asserts that the Officially Noticed facts are the result of impermissible hindsight reconstruction because one of skill in the art would have no motivated to combine the types of supplemental information recited in claims 18-23 with the perishable food management system of Ogasawara. Put simply, one of skill in the art would not be motivated to combine Ogasawara with the types of supplemental information Officially Noticed in the Office Action

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

because no one needs warranty information or a product manual for perishable food such as a tomato. Thus, the Applicant asserts that the rejection of claims 18-23 is the result of impermissible hindsight reconstruction where there is no motivation to combine the selected portions of Ogasawara with Officially Noticed facts to arrive at the inventions of claims 18-23.

The Applicant asserts that claims 18-23 are allowable for at least the reason that the facts relied upon to support a rejection of claims 18-23 are not properly Officially Noticed. It is not appropriate for the Examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. In re Ahlert, 165 U.S.P.Q. 418, 420 (CCPA 1970); M.P.E.P. § 2144.03. It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record. Zurko, 258 F.3d at 1385, 59 USPQ2d at 1697; M.P.E.P. § 2144.03. If the Applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the examiner must support the finding with adequate evidence. M.P.E.P. § 2144.03.

The Office Action states:

Thus Official Notice is taken of the warranty information, a manual, rebate information, recall information, accessory information as being obvious extension to the teaching of Ogasawara being an obvious expedient well within the ordinary skill in the art. (Emphasis added).

Claims 18-23 are allowable for at least the reason Official Notice has not been properly proven to show that warranty information, a manual, rebate information, recall information, and accessory information are an obvious extension to the teaching of Ogasawara. Since no motivation to combine Ogasawara with the Officially Noticed facts exists, the Applicant asserts that combining warranty information, a manual, rebate information, recall information, and accessory information with the perishable food management system of Ogasawara is not an "obvious extension" or "an obvious expedient well within the ordinary skill in the art" that is capable of instant and unquestionable demonstration as being well known in the art. Accordingly, claims 18-23 are allowable for at least the reason that the Examiner's Official Notice is improper. If the Examiner asserts that claims 18-23 are obvious based on Official

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

Notice, the Applicant respectfully requests that adequate evidence pursuant to M.P.E.P. § 2144.03 be provided to the Applicant to expedite prosecution of the Application.

Claims 18-23 are also allowable for at least the reason that each depends from an allowable claim. Claim 42 is allowable for at least one or more of the reasons given for the allowability of claims 18-23.

Dependent Claim 30

The Applicant respectfully asserts that claim 30 is allowable for at least one or more of the reasons given for the allowability of claim 27. Specifically, claim 30 is allowable for at least the reason that Ogasawara does not disclose a sales receipt object as recited in claim 27, and so Ogasawara logically does not disclose a sales receipt object providing a store function as recited in claim 30. Claim 30 is also allowable because it depends from an allowable claim.

Dependent Claim 31

The Applicant respectfully asserts that claim 31 is allowable for at least one or more of the reasons given for the allowability of claim 5, and for at least the reason that claim 31 depends from an allowable claim.

Independent Claim 32

Claim 32 stands rejected as obvious in view of Ogasawara. Claim 32 is similar to claim 27 in that claim 32 recites a receipt object which contains detailed information and provides one or more functions for manipulating that information. The Office Action again cites to Ogasawara at column 3, line 54 to column 4, line 5 as well as column 4, lines 50-56, to disclose a sales receipt object. Again, the Applicant respectfully asserts that Ogasawara nowhere discloses a sales receipt object providing functions for the detailed information, and again asserts that the perishable food management system of Ogasawara has no reason to do so. Thus, claim 32 is allowable for at least the reason that Ogasawara does not disclose a sales receipt object as recited in claim 32.

Claim 32 is also allowable for at least the reason that Ogasawara does not disclose a sales receipt object having a function for converting the detailed information into one or more data

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

formats. As understood by one of skill the art, the data in an object is manipulated by invoking, or calling, a function of that object. In other words, in the context of claim 32, it is the sales receipt object, not any other software component, which provides a function for converting the detailed information into a data format. The Applicant respectfully asserts that claim 32 is allowable for at least the reason that Ogasawara nowhere discloses a sales receipt object which provides a function for converting the detailed information into one or more selected data formats as recited in step (c) of claim 32. If the Examiner asserts that Ogasawara discloses a sales receipt object providing a conversion function as recited in claim 32, the Applicant respectfully requests clarification of the Examiner's citations and reasoning.

To support a rejection of claim 32, the Office Action states:

Ogasawara does not directly teach executing the conversion function of the sales receipt object to convert the detailed information into a selected data format. However, it is inherently understood from the conversion of bar code into an electronic receipt that a particular data format that a function is provided (see col. 3, ll. 54+). Thus such a conversion would have been an obvious expedient well within the ordinary skill in the art. (Emphasis added)

The Applicant disagrees with the Examiner's statement above and respectfully asserts that the Examiner has mischaracterized the sales receipt object of claim 32. First, Ogasawara does not disclose a sales receipt object nor a sales receipt object having a conversion function. For claim 32 to be satisfied, the sales receipt object itself must provide the conversion function as recited in step (c), and that function must be invoked in step (e). Assuming, for the purpose of argument only, that the conversion of bar code data into an electronic receipt implies that some unidentified data conversion function exists, such a function does not disclose step (e) because step (e) clearly recites executing "the conversion function of the sales receipt object."

Further, the Applicant asserts that claim 32 nowhere recites, either directly or indirectly, the conversion of bar code data into an electronic receipt. The conversion of a bar code into data is different in kind from the conversion of data in step (e) of claim 32. Information stored in the sales receipt object, as understood by one of skill in the art, exists in the form of variables having a certain "data type" such as an integer, a string, or another object. The conversion function

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

executed in step (e) converts a variable in the receipt object (detailed information) from one data type to another. The conversion function of step (e) has nothing to do with the conversion of an external bar code into data. Thus, the Applicant respectfully asserts that claim 32 is allowable for at least the reason that executing a conversion function of a sales receipt object as recited in step (e) of claim 32 is not inherently understood from the conversion of a bar code into data. Claim 32 is also allowable for at least one or more of the reasons given for the allowability of claims 27, 17, and 1.

Dependent Claims 33-36

Claims 33-36 each recite types of selected data formats which the conversion function of the sales receipt object can convert detailed information into. To support a rejection of claims 33-36 as obvious, the Office Action states:

Official Notice is taken of Text files, Binary files, Markup language, HTML, XML, MICROSOFT EXCEL files, MICROSOFT WORD files, MICROSOFT MONEY files, and QUICKEN files as being an obvious extension of the file(s) that is used in Ogasawara. One of ordinary skill in the art would seek to use the aforementioned files to display information.

The Applicant respectfully asserts that claims 33-36 are allowable for at least the reason that the rejection of claims 33-36 as obvious is the result of improper hindsight reconstruction. First, as discussed above, Ogasawara does not disclose every step of claim 32, from which claims 33-36 depend. Thus, it would not be obvious for one of skill in the art to combine the Officially Noted facts with the teachings of Ogasawara because not every element of claims 33-36 is taught by their combination. Second, there is no motivation to combine the perishable food management system of Ogasawara with the data formats recited in claims 33-36 because the simple "log file" of Ogasawara teaches away from the sales receipt object and conversion function recited in claim 32. Thus, no motivation to combine Ogasawara with each of the Officially Noted facts exists. Third, claims 33-36 are allowable for at least the reason that Official Notice has not been properly proven where it has not been shown that the recited data formats are "obvious extension of the file(s) that is used in Ogasawara" in a way that is capable

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420**

of instant and unquestionable demonstration as being well known in the art. Claims 33-36 are also allowable for at least the reason that each depends from an allowable claim.

Dependent Claim 37

Claim 32, as discussed above, recites a sales receipt object providing a conversion function. Claim 37 depends from independent claim 32, with claim 37 providing specific types of object oriented technologies that can be used to implement the receipt object of claim 32. The Applicant asserts that claim 37 should be allowed for at least the reason that the Office Action does not reject claim 37. Claim 37 is also allowable for at least the reason that it depends from an allowable claim.

Dependent Claims 38 and 39

Claims 38 and 39 each recite an additional function provided by the sales receipt object of claim 32. The Applicant respectfully asserts that claims 38 and 39 are allowable for at least the reason that Ogasawara does not disclose a receipt object providing the functions recited in claims 38 and 39. Claims 38 and 39 are also allowable for at least the reason that each depends from an allowable claim.

Dependent Claims 40 and 41

Claim 40 is allowable for at least the reason that it depends from an allowable claim. Claim 41 further defines the computing device of claim 32 as a finance management system. To support a rejection of claim 41, the Office Action states "wherein the computing device is a finance management system (see "smart card" col., 11.), *as in claim 41*" A "smart card" as known to one of skill in the art is a type of removable storage device which is often found in digital cameras and mp3 players. The Applicant respectfully asserts that a reference to a "smart card" does not disclose a finance management system any more than a reference to a hard disk drive ("hard drive") does. Thus, the Applicant respectfully asserts that claim 41 is allowable for at least the reason that Ogasawara does not disclose the finance management system limitation of claim 41. Claim 41 is also allowable for at least the reason that it depends from an allowable claim.

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420****Dependent Claims 43, 45, and 48**

Claims 43, 45, and 48 are newly added by amendment, and provide that the electronic sales receipt is generated by a third party. Support for claims 43, 45, and 48 exists in the Application as filed, for example, on page 5, line 20 to page 6, line 3; page 10, lines 17-25; page 11, line 10 to page 12, line 22; and Figs. 1 and 2.

Dependent Claims 44 and 49

Claims 44 and 49 are newly added by amendment, and provide that the centralized database belongs to a third party. Support for claims 44 and 49 exists in Application as filed, for example, on page 5, line 20 to page 6, line 3; page 10, lines 17-25; page 11, line 10 to page 12, line 22; and Figs. 1 and 2.

Dependent Claims 46 and 47


Claims 46 and 47 are newly added by amendment, and define detailed information to include sale price, sale tax, total transaction amount, and information indicating completion of the transaction. Claims 46 and 47 have support at least in claims 27 and 32 prior to the current amendments.

**ATTORNEY DOCKET NO. 01153.0001U3
APPLICATION NO. 09/776,420****CONCLUSION**

In view of the above, each of the presently pending claims in the Application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass the application to issue. No additional fee is believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

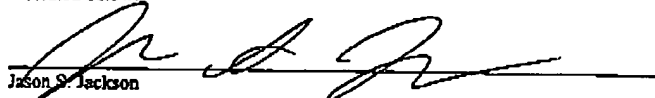
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Jason S. Jackson

July 7, 2006
Date